



Georgia Department of Motor Vehicle Safety

Roy E. Barnes
Governor

Tim Burgess
Commissioner

September 9, 2002

MEMORANDUM

TO: Division Directors and Section Supervisors

FROM: Tim Burgess

SUBJECT: Proposed Administrative Rule Change

Enclosed are proposed rule changes in Chapter 570-6, Revocation and Suspension; 375-1-1, Rules of General Applicability and 375-3-3, Revocation and Suspension along with the Notice of Public Hearing. Such proposal and notice shall be placed on your bulletin board for a period of thirty (30) days. After the rules and Notice of Public Hearing have been posted, please confirm via email to Phyllis Johnson at pjohnson@dmvs.ga.gov.

If you have any questions, please direct them to Neal Childers, General Counsel at (678) 413-8765.

TB:pmj

Enclosures

The following are proposed rule changes that were approved for initial adoption on August 28, 2002. A public hearing is scheduled for October 16, 2002 on these proposed changes.

570-6-.01 Organization. Amended.

~~The Revocation and Suspension Section of the Department of Public Safety is composed of a Supervisor and such additional staff as the Commissioner deems necessary for the efficient operation of the Section. It is the duty of this Section to administer the laws in regard to revocation, suspension, and cancellation of driver's licenses.~~

Repealed.

Authority O.C.G.A. Sec. [40-5-4](#), **History.** Original Rule entitled "Moving Violation Convictions: When Filing Required: Penalty for Noncompliance" was filed and effective on July 20, 1965. **Amended:** Rule repealed and a new Rule entitled "Employee's Restricted Driver's License" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Organization" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed June 7, 1984; effective June 27, 1984.

375-3-3-.01 Moving Traffic Violations Defined.

The Revocation and Suspension Section of the Department of Public Safety is composed of a Supervisor and such additional staff as the Commissioner deems necessary for the efficient operation of the Section. It is the duty of this Section to administer the laws in regard to revocation, suspension, and cancellation of driver's licenses.

(a) For the purposes of O.C.G.A. § 40-5-57, the following violations are defined as "moving traffic violations," in addition to the violations enumerated in O.C.G.A. § 40-5-57(c)(1)(A):

(i)	<u>O.C.G.A. § 40-6-6</u>	<u>Emergency Vehicle Violation</u>
(ii)	<u>O.C.G.A. § 40-6-11</u>	<u>No Proof of Insurance (Motorcycle)</u>
(iii)	<u>O.C.G.A. § 40-6-14</u>	<u>Limits on Sound Volume¹</u>
(iv)	<u>O.C.G.A. § 40-6-40</u>	<u>Improper Lane Usage</u>
(v)	<u>O.C.G.A. § 40-6-41</u>	<u>Oncoming Traffic</u>
(vi)	<u>O.C.G.A. § 40-6-42</u>	<u>Improper Passing</u>
(vii)	<u>O.C.G.A. § 40-6-43</u>	<u>Improper Passing</u>
(viii)	<u>O.C.G.A. § 40-6-44</u>	<u>Improper Passing</u>
(ix)	<u>O.C.G.A. § 40-6-45</u>	<u>Improper passing²</u>
(x)	<u>O.C.G.A. § 40-6-46</u>	<u>No passing zones</u>
(xi)	<u>O.C.G.A. § 40-6-47</u>	<u>Wrong way on one-way road</u>
(xii)	<u>O.C.G.A. § 40-6-48</u>	<u>Failure to maintain lane</u>
(xiii)	<u>O.C.G.A. § 40-6-49</u>	<u>Following too closely</u>
(xiv)	<u>O.C.G.A. § 40-6-50</u>	<u>Driving on Divided Highway</u>
(xv)	<u>O.C.G.A. § 40-6-51</u>	<u>Illegal Use of Controlled-Access Road</u>
(xvi)	<u>O.C.G.A. § 40-6-52</u>	<u>Truck Lane Usage</u>
(xvii)	<u>O.C.G.A. § 40-6-70</u>	<u>Failure to Yield at Intersection</u>
(xviii)	<u>O.C.G.A. § 40-6-71</u>	<u>Failure to Yield when Turning Left</u>
(xvix)	<u>O.C.G.A. § 40-6-72</u>	<u>Stop/Yield Sign Violation</u>
(xx)	<u>O.C.G.A. § 40-6-73</u>	<u>Failure to Yield Crossing or Entering Road</u>
(xxi)	<u>O.C.G.A. § 40-6-74</u>	<u>Failure to Yield to Emergency Vehicle</u>
(xxii)	<u>O.C.G.A. § 40-6-75</u>	<u>Failure to Yield to Construction/Maintenance</u>
(xxiii)	<u>O.C.G.A. § 40-6-76</u>	<u>Failure to Yield to Funeral Procession</u>
(xxiv)	<u>O.C.G.A. § 40-6-91</u>	<u>Failure to Yield to Pedestrian</u>
(xxv)	<u>O.C.G.A. § 40-6-93</u>	<u>Failure to Use Due Care to Pedestrian</u>
(xxvi)	<u>O.C.G.A. § 40-6-94</u>	<u>Failure to Yield to Blind Pedestrian</u>
(xxvii)	<u>O.C.G.A. § 40-6-98</u>	<u>Driving Through Safety Zone</u>
(xxviii)	<u>O.C.G.A. § 40-6-120</u>	<u>Improper Turning</u>
(xxvix)	<u>O.C.G.A. § 40-6-121</u>	<u>Improper U-Turn</u>
(xxx)	<u>O.C.G.A. § 40-6-123</u>	<u>Improper Turning, Failure to Signal</u>
(xxxi)	<u>O.C.G.A. § 40-6-124</u>	<u>Improper Use of Signal Lights</u>
(xxxii)	<u>O.C.G.A. § 40-6-125</u>	<u>Improper Use of Hand Signals</u>
(xxxiii)	<u>O.C.G.A. § 40-6-126</u>	<u>Improper Use of Turning Lane</u>
(xxxiv)	<u>O.C.G.A. § 40-6-142</u>	<u>Certain vehicles to stop at all railroad crossings</u>
(xxxv)	<u>O.C.G.A. § 40-6-143</u>	<u>Moving heavy equipment at railroad crossings</u>
(xxxvi)	<u>O.C.G.A. § 40-6-144</u>	<u>Emerging from alley, driveway, or building</u>
(xxxvii)	<u>O.C.G.A. § 40-6-161</u>	<u>Operating school bus without headlights</u>

¹ For persons "operating" a vehicle.

² The provisions of O.C.G.A. § 40-6-45(a)(1), relating to improper passing on a hill or curve, are excluded pursuant to the provisions of O.C.G.A. § 40-5-57(c)(1)(A).

(xxxviii) O.C.G.A. § 40-6-162	Failure to use visual signals by school bus
(xxxix) O.C.G.A. § 40-6-164	Failure of school bus driver to yield right of way
(xl) O.C.G.A. § 40-6-184	Impeding traffic flow
(xli) O.C.G.A. § 40-6-205	Obstructing intersection
(xlii) O.C.G.A. § 40-6-240	Improper Backing
(xliii) O.C.G.A. § 40-6-241	Failure to exercise due care
(xliv) O.C.G.A. § 40-6-242	Driving with obstructed view
(xlv) O.C.G.A. § 40-6-244	Allowing occupancy of moving house trailer
(xlvi) O.C.G.A. § 40-6-245	Improper driving thru canyon or on mountain
(xlvii) O.C.G.A. § 40-6-246	Coasting
(xlviii) O.C.G.A. § 40-6-247	Following emergency vehicles
(xlvix) O.C.G.A. § 40-6-248	Crossing fire hose
(l) O.C.G.A. § 40-6-250	Wearing device impairing hearing or vision
(li) O.C.G.A. § 40-6-251	Laying drags
(li) O.C.G.A. § 40-6-252	Cruising
(lii) O.C.G.A. § 40-6-253.1	Transportation of etiologic agent
(liii) O.C.G.A. § 40-6-271	Striking unattended vehicle
(liv) O.C.G.A. § 40-6-272	Striking fixture
(lv) O.C.G.A. § 40-6-273	Failure to report accident
(lvi) O.C.G.A. § 40-6-275	Failure to remove vehicle from roadway
(lvii) O.C.G.A. § 40-6-311	Manner of riding motorcycle
(lviii) O.C.G.A. § 40-6-312	Operating motorcycle on road laned for traffic
(lix) O.C.G.A. § 40-6-313	Clinging to other vehicles
(lx) O.C.G.A. § 40-6-314	Motorcycle footrest/handlebar violation
(lxi) O.C.G.A. § 40-6-315	Motorcycle helmet/eyewear violation
(lxii) O.C.G.A. § 40-6-352	Moped helmet violation
(lxiii) O.C.G.A. § 40-6-361	Improper lane usage-low speed vehicle
(lxiv) O.C.G.A. § 40-6-362	Improper highway access-low speed vehicle
(lxv) O.C.G.A. § 40-6-391(l)	Child endangerment
(lxvi) O.C.G.A. § 40-6-393.1	Feticide by vehicle (misdemeanor)

(b) The Department shall assess three (3) points to the driver history record upon receipt of notice of any of the above convictions.

(c) The Department shall assess points to the driver history record upon receipt of notice of a conviction for a moving traffic violation in another state in accordance with the actions required of a corresponding violation under Georgia law.

Authority O.C.G.A. Sec. 40-5-52; 40-5-57. **History.** Original Rule entitled "Moving Violation Convictions: When Filing Required: Penalty for Noncompliance" was filed and effective on July 20, 1965. **Amended:** Rule repealed and a new Rule entitled "Employee's Restricted Driver's License" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Organization" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed June 7, 1984; effective June 27, 1984.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to modify an existing regulation to provide a list of the “other moving traffic violations” specified in O.C.G.A. § 40-5-57(c)(1)(A) as subject to the assessment of points on an individual driver’s history. Pursuant to Georgia law, this designation also includes comparable county ordinance, municipal ordinance, and out of state violations. Conviction of any of the above-listed offenses (or their counterparts) will result in the assessment of three (3) points for each violation.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-6-.01, is repealed in its entirety. The regulation as amended is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-3-3-.01.

570-6-.02 Proof of Financial Responsibility for Probationary License. Amended.

- (1) ~~Proof of financial responsibility must be made by an authorized insurance company filing a Form SR-22 certifying that the violator has in effect a valid liability insurance policy covering the required future time span or, by the owner of a motor vehicle filing a Form DPS-266 showing that the owner has provided insurance on the vehicle to be operated by the driver. Such proof of financial responsibility must include full name, license number and date of birth of operator.~~
- (2) ~~The Department will accept a "premium financed" SR-22 provided:~~
- (a) ~~It is clearly marked as premium financed;~~
- (b) ~~Cancellation of policy for non-payment of premium is not allowable under the expiration of ninety (90) days from effective date of policy. The policy may be cancelled prior to the expiration of ninety (90) days set forth above upon sufficient reason in the discretion of the Commissioner being made known to him in writing.~~
- (3) ~~An SR-22 form not marked "premium financed" is accepted on the basis that it is paid in full. The Department will not accept a cancellation notice (SR-26) for non-payment of the premium and the policy must remain in effect for the statutory required length of time.~~
- (4) ~~The Department must be given twenty (20) days notice by the insurance carrier prior to acceptable termination or cancellation. The Department must be in receipt of Form SR-26 at least twenty (20) days before effective date of cancellation.~~
- (5) ~~An SR-26 cancellation of coverage form is not acceptable if based on the non-payment of premium in addition to those originally assessed by the Company.~~
- (6) ~~If an SR-22 form filed on a premium financed policy is cancelled for non-payment of premium, another premium financed SR-22 will not be accepted by the Department for a period of twelve (12) months from the date that the original SR-22 was accepted.~~
- (7) ~~An employer may furnish proof of financial responsibility on behalf of an employee operator and qualify such operator to operate motor vehicles for which proof is given by the employer, (DPS-266). If the operator is only qualified to operate motor vehicles for an owner or employer, such restriction shall be designated by the Department on the license of the operator.~~
- (8) ~~The liability insurance policy shall provide for payment of not less than \$25,000 because of bodily injury to or death of one person in any one accident, and not less than \$50,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of not less than \$25,000 because of injury to or destruction of property of others in any one accident.~~

Repealed.

Authority Ga. L. 1951, pp. 565, 567, as amended (Ga. Code Ann. Sec. 92A-602), Ga. L. 1951, pp. 565, 571, as amended (Ga. Code Ann. Sec. 92A-608); Ga. L. 1975 pp. 1008, 1035, (Ga. Code Ann. Sec. 68B-310), O.C.G.A. Sec. [40-5-4](#). **History.** Original Rule entitled "Employee's Restricted Driver's License" was filed and effective on July 20, 1965. **Amended:** Filed July 13, 1967; effective August 1, 1967. **Amended:** Rule repealed and a new Rule entitled "First Conviction of Certain Offenses: Penalty; Reinstatement" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "First Conviction of Certain Offenses: Reinstatement; Discretion; Prerequisites" adopted. Filed April 5, 1974, effective April 25, 1974. **Amended:** Rule repealed and a new Rule entitled "Proof of Financial Responsibility for Future" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed April 11, 1988; effective May 1, 1988. **Amended:** Retitled "Proof of Financial Responsibility for Probationary License". F. Aug. 12, 1993; eff. Sept. 1, 1993.

375-3-3-.02 Proof of Financial Responsibility for Probationary License. Amended.

(1) Proof of financial responsibility must be made by an authorized insurance company filing a Form SR-22 certifying that the violator has in effect a valid liability insurance policy covering the required future time span or, by the owner of a motor vehicle filing a Form DPS-266 showing that the owner has provided insurance on the vehicle to be operated by the driver. Such proof of financial responsibility must include full name, license number and date of birth of operator.

(2) The Department will accept a "premium financed" SR-22 provided:

(a) It is clearly marked as premium financed;

(b) Cancellation of policy for non-payment of premium is not allowable under the expiration of ninety (90) days from effective date of policy. The policy may be cancelled prior to the expiration of ninety (90) days set forth above upon sufficient reason in the discretion of the Commissioner being made known to him in writing.

(3) An SR-22 form not marked "premium financed" is accepted on the basis that it is paid in full. The Department will not accept a cancellation notice (SR-26) for non-payment of the premium and the policy must remain in effect for the statutory required length of time.

(4) The Department must be given twenty (20) days notice by the insurance carrier prior to acceptable termination or cancellation. The Department must be in receipt of Form SR-26 at least twenty (20) days before effective date of cancellation.

(5) An SR-26 cancellation of coverage form is not acceptable if based on the non-payment of premium in addition to those originally assessed by the Company.

(6) If an SR-22 form filed on a premium financed policy is cancelled for non-payment of premium, another premium financed SR-22 will not be accepted by the Department for a period of twelve (12) months from the date that the original SR-22 was accepted.

(7) An employer may furnish proof of financial responsibility on behalf of an employee operator and qualify such operator to operate motor vehicles for which proof is given by the employer, (DPS-266). If the operator is only qualified to operate motor vehicles for an owner or employer, such restriction shall be designated by the Department on the license of the operator.

(8) The liability insurance policy shall provide for payment of not less than \$25,000 because of bodily injury to or death of one person in any one accident, and not less than \$50,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of not less than \$25,000 because of injury to or destruction of property of others in any one accident.

Authority Ga. L. 1951, pp. 565, 567, as amended (Ga. Code Ann. Sec. 92A-602), Ga. L. 1951, pp. 565, 571, as amended (Ga Code Ann Sec 92A-608); Ga. L. 1975 pp. 1008, 1035, (Ga. Code Ann. Sec. 68B-310), O.C.G.A. Sec. [40-5-4](#). **History.** Original Rule entitled "Employee's Restricted Driver's License" was filed and effective on July 20, 1965. **Amended:** Filed July 13, 1967; effective August 1, 1967. **Amended:** Rule repealed and a new Rule entitled "First Conviction of Certain Offenses: Penalty; Reinstatement" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "First Conviction of Certain Offenses: Reinstatement; Discretion; Prerequisites" adopted. Filed April 5, 1974, effective April 25, 1974. **Amended:** Rule repealed and a new Rule entitled "Proof of Financial Responsibility for Future" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed April 11, 1988; effective May 1, 1988. **Amended:** Retitled "Proof of Financial Responsibility for Probationary License". F. Aug. 12, 1993; eff. Sept. 1, 1993.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-6-.02, is repealed in its entirety. The regulation as amended is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-3-3-.02.

The reference to Form DPS-266 is replaced with a reference to Form DS-266, reflecting a change in form numbers by this agency.

570-6-.03 Recertification of Driving Ability under Georgia Assigned Risk Plan. Amended.

~~Upon receipt by the Department of notification from a designated insurance carrier on Form DPS-243 that it desires to have a person's ability to drive safely recertified in accordance with Section 17 of the Georgia Assigned Risk Plan, the following procedure will prevail:~~

~~(a) The insurance carrier shall specifically set out the reasons for the recertification request, which shall be reviewed by the Department of Public Safety. The request shall be signed by authorized representative of the insurance carrier.~~

~~(b) Upon review by the Department of Public Safety, the recertification request shall be forwarded to the Post Commander of the district in which the licensee resides, who shall conduct an investigation of the licensee and submit a report of his findings as to the licensee's physical or mental condition to the Department. If the investigation reveals that there is no basis for requiring the licensee to be recertified, the insurance carrier will be notified accordingly.~~

~~(c) If the investigation of the licensee warrants further action, the Department shall issue a notice to the licensee advising him that his driving ability has been placed in question and requesting that, in accordance with the Georgia Assigned Risk Plan, he submit to a reexamination of his driving ability to consist of a visual test, rules of the road test, and driving performance test.~~

~~(d) The Department shall notify the insurance carrier whether the licensee has taken the examination and whether he has passed or failed it. In the event, the licensee takes the examination and fails, the examiner shall retain the driver's license and forward it, along with the results of the examination, to the Revocation and Suspension Section for revocation.~~

~~Revocation shall remain in full force and effect until the reexamination is successfully passed.~~

~~(e) If the licensee fails to submit to a recertification examination within thirty (30) days from the date the Department requests that he do so, the licensee will be deemed not to have been recertified and his driver's license will be revoked and remain revoked until he submits to and successfully passes the recertification examinations.~~

~~(f) At the discretion of the Department, the licensee may be required to submit such medical evidence to the Department as may be necessary for evaluation by the Driver's License Advisory Board.~~

Repealed.

Authority Ga. L. 1951, pp. 565, 576 (Ga. Code Ann. Sec. 92A-617); O.C.G.A. Sec. [40-5-59](#).

History. Original Rule entitled "Two Moving Violations Within Twelve (12) Months: Penalty; Reinstatement" was filed and effective on July 20, 1965. **Amended:** Filed July 13, 1967; effective August 1, 1967. **Amended:** Rule repealed and a new Rule entitled "Second Conviction of Certain Offenses: Penalty; Reinstatement" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Second Conviction of Certain Offenses: Reinstatement; Discretion; Prerequisites" adopted. Filed April 5, 1974; effective April 25, 1974. **Amended:** Rule repealed and a new Rule entitled "Recertification of Driving Ability under Georgia Assigned Risk Plan" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Filed June 7, 1984; effective June 27, 1984.

**375-3-3-.03 Recertification of Driving Ability under Georgia Assigned Risk Plan.
Amended.**

Upon receipt by the Department of notification from a designated insurance carrier on Form DPS-243 that it desires to have a person's ability to drive safely recertified in accordance with Section 17 of the Georgia Assigned Risk Plan, the following procedure will prevail:

(a) The insurance carrier shall specifically set out the reasons for the recertification request, which shall be reviewed by the Department of ~~Public Safety~~. The request shall be signed by an authorized representative of the insurance carrier.

(b) Upon review by the Department of ~~Public Safety~~, the recertification request shall be forwarded to the ~~Post Commander~~ District Supervisor of the district in which the licensee resides, who shall conduct an investigation of the licensee and submit a report of ~~his~~ findings as to the licensee's physical or mental condition to the Department. If the investigation reveals that there is no basis for requiring the licensee to be recertified, the insurance carrier will be notified accordingly.

(c) If the investigation of the licensee warrants further action, the Department shall issue a notice to the licensee advising ~~him~~ that his or her driving ability has been placed in question and requesting that, in accordance with the Georgia Assigned Risk Plan, he or she submit to a reexamination of ~~his~~ driving ability to consist of a visual test, rules of the road test, and driving performance test.

(d) The Department shall notify the insurance carrier whether the licensee has taken the examination and whether he or she has passed or failed it. In the event, the licensee takes the examination and fails, the examiner shall retain the driver's license and forward it, along with the results of the examination, to the Revocation and Suspension Section for revocation.

Revocation shall remain in full force and effect until the reexamination is successfully passed.

(e) If the licensee fails to submit to a recertification examination within thirty (30) days from the date the Department requests that he or she do so, the licensee will be deemed not to have been recertified and ~~his~~ the driver's license will be revoked and remain revoked until he or she submits to and successfully passes the recertification examinations.

(f) At the discretion of the Department, the licensee may be required to submit such medical evidence to the Department as may be necessary for evaluation by the Driver's License Advisory Board.

Authority Ga. L. 1951, pp. 565, 576 (Ga. Code Ann. Sec. 92A-617); O.C.G.A. Sec. [40-5-59](#).

History. Original Rule entitled "Two Moving Violations Within Twelve (12) Months: Penalty; Reinstatement" was filed and effective on July 20, 1965. **Amended:** Filed July 13, 1967; effective August 1, 1967. **Amended:** Rule repealed and a new Rule entitled "Second Conviction of Certain Offenses: Penalty; Reinstatement" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Second Conviction of Certain Offenses: Reinstatement; Discretion; Prerequisites" adopted. Filed April 5, 1974; effective April 25, 1974. **Amended:** Rule repealed and a new Rule entitled "Recertification of Driving Ability under Georgia Assigned Risk Plan" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Filed June 7, 1984; effective June 27, 1984.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-6-.03, is repealed in its entirety. The regulation as amended is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-3-3-.03.

The reference to Form DPS-243 is replaced with a reference to Form DS-243, reflecting a change in form numbers by this agency.

The phrase "of Public Safety" is deleted to reflect the transfer of this function to the Department of Motor Vehicle Safety.

Necessary changes are made to make the regulation gender-neutral.

The reference to Post Commanders of the Georgia State Patrol is replaced with District Supervisors, due to the transfer of this function.

570-6-.04 Departmental Hearings. Amended.

~~(1) Hearings on any action taken by the Revocation and Suspension Section which is subject to the Administrative Procedure Act shall be held in accordance with the Department of Public Safety Rule [570-1-.05](#).~~

~~(2) Hearings on any action taken by the Revocation and Suspension Section which is not subject to the Administrative Procedure Act shall be held in accordance with the Department of Public Safety Rule [570-1-.06](#).~~

~~(3) Request for Hearing: Unless the statutory section upon which the Revocation and Suspension Section bases its action provides for initiating hearings; any person who is legally entitled to contest a ruling or order of the Revocation and Suspension Section may do so by filing with the Section a written request for a hearing within ten (10) days of the issue date of an order of suspension or revocation. No hearing shall be held thereafter except where events uncontrollable by the aggrieved person are shown by him to have prevented a timely request. In the event it becomes necessary to reschedule a hearing because the aggrieved person fails to appear at the original hearing, such rescheduled hearing shall not operate as a stay of any suspension or revocation order pending the outcome of such rescheduled hearing.~~

~~(4) The Revocation and Suspension Section shall attempt to hold all requested hearings within thirty (30) days of the receipt of such request if possible. If a hearing must be held beyond this thirty (30) day period, it will be held as soon as practical.~~

Repealed.

Authority O.C.G.A. Secs. [40-5-4](#), 40-9-34. **History.** Original Rule entitled "Second Set of Two Moving Violations Within Twelve (12) Months: Penalty; Reinstatement" was filed on July 20, 1965. **Amended:** Filed July 13, 1967; effective August 1, 1967. **Amended:** Rule repealed and a new Rule entitled "Permanent Revocation on Third Revocation for Cause" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and no new Rule adopted. Filed April 5, 1974; effective April 25, 1974. **Amended:** New Rule entitled "Licenses Issued by Foreign Jurisdiction; When Suspended" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Rule repealed and a new Rule entitled "Vehicle Driven Without Owner's Permission" adopted. Filed September 15, 1977; effective October 5, 1977. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed June 7, 1984; effective June 27, 1984. **Amended:** Rule entitled "Departmental Hearings" renumbered from 570-6-.05. F. Aug. 12, 1993; eff. Sept. 1, 1993.

375-3-3-.04 Departmental Hearings. Amended.

(1) Hearings on any action taken by the Revocation and Suspension Section which is subject to the Administrative Procedure Act shall be held in accordance with the Department of Public Safety Rule [570-1-.05](#).

(2) Hearings on any action taken by the Revocation and Suspension Section which is not subject to the Administrative Procedure Act shall be held in accordance with the Department of Public Safety Rule [570-1-.06](#).

(3) Request for Hearing: Unless the statutory section upon which the Revocation and Suspension Section bases its action provides for initiating hearings; any person who is legally entitled to contest a ruling or order of the Revocation and Suspension Section may do so by filing with the Section a written request for a hearing within ten (10) days of the issue date of an order of suspension or revocation. No hearing shall be held thereafter except where events uncontrollable by the aggrieved person are shown by him to have prevented a timely request. In the event it becomes necessary to reschedule a hearing because the aggrieved person fails to appear at the original hearing, such rescheduled hearing shall not operate as a stay of any suspension or revocation order pending the outcome of such rescheduled hearing.

(4) The Revocation and Suspension Section shall attempt to hold all requested hearings within thirty (30) days of the receipt of such request if possible. If a hearing must be held beyond this thirty (30) day period, it will be held as soon as practical.

Authority O.C.G.A. Secs. [40-5-4](#), 40-9-34. **History.** Original Rule entitled "Second Set of Two Moving Violations Within Twelve (12) Months: Penalty; Reinstatement" was filed on July 20, 1965. **Amended:** Filed July 13, 1967; effective August 1, 1967. **Amended:** Rule repealed and a new Rule entitled "Permanent Revocation on Third Revocation for Cause" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and no new Rule adopted. Filed April 5, 1974; effective April 25, 1974. **Amended:** New Rule entitled "Licenses Issued by Foreign Jurisdiction; When Suspended" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Rule repealed and a new Rule entitled "Vehicle Driven Without Owner's Permission" adopted. Filed September 15, 1977; effective October 5, 1977. **Amended:** Rule repealed and a new Rule of the same title adopted. Filed June 7, 1984; effective June 27, 1984. **Amended:** Rule entitled "Departmental Hearings" renumbered from 570-6-.05. F. Aug. 12, 1993; eff. Sept. 1, 1993.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-6-.04, is repealed in its entirety. The regulation as amended is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-3-3-.04.

570-6-.06 Acceptance of Clinic Certificates for Reinstatement. Amended.

~~A Defensive Driving Certificate DPS Form 584/Department of Human Resources Alcohol/Drug Use Risk Reduction Form 1136 showing completion of a designated Georgia Driver Improvement Course is required for reinstatement of a suspended driver's license. In order to be accepted, the certificate must indicate that the course was taken and completed after the violation date which caused the suspension.~~

~~(a) Approval of any clinic certificate except as set out herein must be made by the Commissioner or his designee.~~

Repealed.

Authority Ga. L. 1977, pp. 1014, 1034; O.C.G.A. Sec. [40-5-4](#). **History.** Original Rule was filed and effective on July 20, 1965. **Amended:** Original Rule entitled "Second Conviction of Certain Offenses; Penalty; Reinstatement" repealed and a new Rule entitled "Proof of Financial Responsibility for Future" adopted. Filed September 30, 1969; effective October 19, 1969.

Amended: Rule repealed and a new Rule entitled "Contents of Demand for Security Under Safety Responsibility Law" adopted. Filed December 11, 1975; effective December 31, 1975.

Amended: Rule repealed and a new Rule entitled "Contents of Demand for Security Under Safety Responsibility Act" adopted. Filed September 15, 1977; effective October 5, 1977.

Amended: Rule renumbered from 570-6-.10 and retitled "Acceptance of Clinic Certificates for Reinstatement". F. Aug. 12, 1993; eff. Sept. 1, 1993.

375-3-3-.05 Acceptance of Clinic Certificates for Reinstatement. Amended.

A Defensive Driving Certificate DPS Form 584/Department of Human Resources Alcohol/Drug Use Risk Reduction Form 1136 showing completion of a designated Georgia Driver Improvement Course is required for reinstatement of a suspended driver's license. In order to be accepted, the certificate must indicate that the course was taken and completed after the violation date which caused the suspension.

(a) Approval of any clinic certificate except as set out herein must be made by the Commissioner or his designee.

Authority Ga. L. 1977, pp. 1014, 1034; O.C.G.A. Sec. [40-5-4](#). **History.** Original Rule was filed and effective on July 20, 1965. **Amended:** Original Rule entitled "Second Conviction of Certain Offenses; Penalty; Reinstatement" repealed and a new Rule entitled "Proof of Financial Responsibility for Future" adopted. Filed September 30, 1969; effective October 19, 1969.

Amended: Rule repealed and a new Rule entitled "Contents of Demand for Security Under Safety Responsibility Law" adopted. Filed December 11, 1975; effective December 31, 1975.

Amended: Rule repealed and a new Rule entitled "Contents of Demand for Security Under Safety Responsibility Act" adopted. Filed September 15, 1977; effective October 5, 1977.

Amended: Rule renumbered from 570-6-.10 and retitled "Acceptance of Clinic Certificates for Reinstatement". F. Aug. 12, 1993; eff. Sept. 1, 1993.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-6-.06, is repealed in its entirety. The regulation as amended is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-3-3-.05.

The reference to Form DPS-584 is replaced with a reference to Form DS-584, reflecting a change in form numbers by this agency.

**570-6-.08 Suspension, Revocation, and Cancellation Forms Based on Violations.
Amended.**

- (1) Form SR-22 – Georgia Financial Responsibility Insurance Certificate, future proof of insurance. (Furnished by insurance company) Section 40-9-81.
- (2) Form SR-24 – Notice of Change of Motor Vehicle Under Financial Responsibility Insurance Certificate. (Furnished by insurance company) Section 40-9-81.
- (3) Form SR-26 – Notice of Cancellation or Termination of Financial Responsibility Insurance Certificate. (Furnished by insurance company) Section 40-9-82.
- (4) Form DPS-76 – A form indicating Point Reduction Under Driver Improvement Law. O.C.G.A. [40-5-86](#).
- (5) Form DPS-148 – An official Notice of Suspension for Bail Bonds. O.C.G.A. [17-6-11](#).
- (6) Form PS-1240 – An official Notice of Revocation for Physical/Mental Disabilities. O.C.G.A. [40-5-59](#).
- (7) Form PS-1130 – An official Notice of Suspension for one or three years for accumulation of points. O.C.G.A. [40-5-57](#).
- (8) Form PS-1012 – An official Notice of Suspension for one year or three years for mandatory suspension. O.C.G.A. [40-5-54](#).
- (9) Form PS-1420 – A Notice of SR-22 insurance filing being canceled. Habitual violator probationary license will be canceled unless new proof is filed. O.C.G.A. [40-5-58](#).
- (10) Form DPS-234 – A hearing not requested within ten (10) days of letter. O.C.G.A. [40-5-4](#).
- (11) Form PS-1330 and 1331 – An official Notice of Suspension for six months for offense of driving while license is suspended. O.C.G.A. [40-5-121](#).
- (12) Form PS-1440 – An official Notice of License Cancellation O.C.G.A. [40-5-50](#).
- (13) Form DPS-240 – An official Request for Police (personal) Service and/or pick up of driver's license. O.C.G.A. [40-5-4](#).
- (14) Form DPS-240A – An official Request for Police (personal) Service and/or pick up of driver's license for declared habitual violators. O.C.G.A. [40-5-58](#).
- (15) Form DPS-243 – An official Notice to Licensee of request by insurance carrier for licensee to be re-examined. Assigned Risk Plan. O.C.G.A. [40-5-59](#).
- (16) Form DPS-244 – An official Notice to Insurance Company of status after request for recertification is issued. Assigned Risk Plan. O.C.G.A. [40-5-59](#).
- (17) Form DPS-250A – A Lost license affidavit. O.C.G.A. [40-5-61](#).
- (18) Form PS-266 – Future proof of financial responsibility certificate (SR-22 insurance), filed by owner, employer, or company for up to three years. O.C.G.A. [40-9-81](#).
- (19) Form DPS-303 – A letter of clearance. O.C.G.A. [40-5-4](#).
- (20) Form PS-1220 – An official Notice of Revocation of limited permit. O.C.G.A. [40-5-64](#).
- (21) Form DPS-412 – A request for hearing based on suspension/revocation of driver's license. O.C.G.A. [40-5-4](#).
- (22) Form DPS-439 – A notice of hearing scheduled in connection with suspensions. (Sent to licensee upon request for a hearing in connection with suspended license.) O.C.G.A. [40-5-4](#).
- (23) Form DPS-454A – A notice of hearing scheduled in connection with suspension of limited permits. O.C.G.A. [40-5-64](#) and 40-5-71.
- (24) Form DPS-565 – Revocation of limited permit. An initial decision of hearing officer. O.C.G.A. [40-5-64](#).
- (25) Form DPS-665 – An application for limited driving permit. O.C.G.A. [40-5-64](#) and 33-34-12.
- (26) Form DPS-716 – A notice of action taken as the result of a court order that a change be made in the driving record. O.C.G.A. [40-5-4](#).
- (27) Form DPS-734 – An application for habitual violator probationary driver's license. O.C.G.A. [40-5-58](#).

- (28) Form DPS-735 – A letter of approval and further instructions reference application for habitual violator probationary driver's license. O.C.G.A. [40-5-58](#).
- (29) Form DPS-736 – A letter of rejection of application for habitual violator probationary driver's license. O.C.G.A. [40-5-58](#).
- (30) Form PS-2050 – An official notice of revocation for declared habitual violator. O.C.G.A. [40-5-58](#).
- (31) Form PS-1230 – An official notice of revocation of habitual violator probationary driver's license. O.C.G.A. [40-5-58](#).
- (32) Form DPS-1020 – A notice sent to licensee after suspension or revocation expires or reinstatement requirements have been met. O.C.G.A. [40-5-4](#).
- (33) Form DPS-1030 – An official notice of revocation. Personal service on habitual violator. O.C.G.A. [40-5-58](#).
- (34) Form PS-2040 – An official notice of suspension for failure to appear in court and satisfy terms of citations issued. O.C.G.A. [40-5-56](#).
- (35) Form DPS-1052 – A notice for a hearing scheduled in connection with suspension based on failure to appear in court. O.C.G.A. [40-5-56](#).
- (36) Form DPS-1053 – An initial decision of a hearing officer in hearings related to suspensions based on failure to appear in court. O.C.G.A. [40-5-56](#).
- (37) Form DPS-1119 – A letter of reinstatement of driver's license when requirements have been met. O.C.G.A. [40-5-4](#).
- (38) Form PS-1119A – A letter acknowledging receipt of Driver Improvement Clinic Certificate for completion of the Alcohol Level I Course. O.C.G.A. [40-6-391](#).
- (39) Form PS-1050 – An official notice of pending suspension upon accepted plea of nolo contendere to the offense of DUI. O.C.G.A. [40-6-391.1](#).
- (40) Form PS-1060 – An official notice of suspension upon conviction of DUI. O.C.G.A. [40-6-391](#).
- (41) Form PS-1070 and PS-1012 – An official notice of suspension for the offense of homicide by vehicle. (a) PS Form 1070 – 1st degree; (b) PS Form 1012 – 2nd Degree. O.C.G.A. [40-5-54](#).
- (42) Form DPS-1128 – An authorization of 30-day extension of 180-day driving permit. O.C.G.A. [40-5-4](#).

Repealed.

Authority Ga. L. 1969, Act 570 (Ga. Code Ann. Sec. 92A-603). O.C.G.A. Sec. [40-5-4](#). **History.** Original Rule was filed and effective on July 20, 1965. **Amended:** Original Rule entitled "Permanent Revocation on Fourth Revocation for Cause" repealed and a new Rule entitled "Departmental Cancellation for Certain Offenses" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Fee for Status Reports of Accident Cases" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Rule repealed. Filed December 19, 1978; effective January 8, 1979. **Amended:** Rule renumbered from 570-6-.13 and retitled "Suspension, Revocation, and Cancellation Forms Based on Violations." F. Aug. 12, 1993; eff. Sept. 1, 1993.

375-3-3-.06 Suspension, Revocation, and Cancellation Forms Based on Violations. Amended.

- (1) Form SR-22 - Georgia Financial Responsibility Insurance Certificate, future proof of insurance. (Furnished by insurance company) Section 40-9-81.
- (2) Form SR-24 - Notice of Change of Motor Vehicle Under Financial Responsibility Insurance Certificate. (Furnished by insurance company) Section 40-9-81.
- (3) Form SR-26 - Notice of Cancellation or Termination of Financial Responsibility Insurance Certificate. (Furnished by insurance company) Section 40-9-82.
- (4) Form DPS-76 - A form indicating Point Reduction Under Driver Improvement Law. O.C.G.A. [40-5-86](#).
- (5) Form DPS-148 - An official Notice of Suspension for Bail Bonds. O.C.G.A. [17-6-11](#).
- (6) Form PDS-1240 - An official Notice of Revocation for Physical/Mental Disabilities. O.C.G.A. [40-5-59](#).
- (7) Form PDS-1130 - An official Notice of Suspension for one or three years for accumulation of points. O.C.G.A. [40-5-57](#).
- (8) Form PDS-1012 - An official Notice of Suspension for one year or three years for mandatory suspension. O.C.G.A. [40-5-54](#).
- (9) Form PDS-1420 - A Notice of SR-22 insurance filing being canceled. Habitual violator probationary license will be canceled unless new proof is filed. O.C.G.A. [40-5-58](#).
- (10) Form DPS-234 - A hearing not requested within ten (10) days of letter. O.C.G.A. [40-5-4](#).
- (11) Form PDS-1330 and 1331 - An official Notice of Suspension for six months for offense of driving while license is suspended. O.C.G.A. [40-5-121](#).
- (12) Form PDS-1440 - An official Notice of License Cancellation O.C.G.A. [40-5-50](#).
- (13) Form DPS-240 - An official Request for Police (personal) Service and/or pick up of driver's license. O.C.G.A. [40-5-4](#).
- (14) Form DPS-240A - An official Request for Police (personal) Service and/or pick up of driver's license for declared habitual violators. O.C.G.A. [40-5-58](#).
- (15) Form DPS-243 - An official Notice to Licensee of request by insurance carrier for licensee to be re-examined. Assigned Risk Plan. O.C.G.A. [40-5-59](#).
- (16) Form DPS-244 - An official Notice to Insurance Company of status after request for recertification is issued. Assigned Risk Plan. O.C.G.A. [40-5-59](#).
- (17) Form DPS-250A - A Lost license affidavit. O.C.G.A. [40-5-61](#).
- (18) Form PDS-266 - Future proof of financial responsibility certificate (SR-22 insurance), filed by owner, employer, or company for up to three years. O.C.G.A. [40-9-81](#).
- (19) Form DPS-303 - A letter of clearance. O.C.G.A. [40-5-4](#).
- (20) Form PDS-1220 - An official Notice of Revocation of limited permit. O.C.G.A. [40-5-64](#).
- (21) Form DPS-412 - A request for hearing based on suspension/revocation of driver's license. O.C.G.A. [40-5-4](#).
- (22) Form DPS-439 - A notice of hearing scheduled in connection with suspensions. (Sent to licensee upon request for a hearing in connection with suspended license.) O.C.G.A. [40-5-4](#).
- (23) Form DPS-454A - A notice of hearing scheduled in connection with suspension of limited permits. O.C.G.A. [40-5-64](#) and 40-5-71.
- (24) Form DPS-565 - Revocation of limited permit. An initial decision of hearing officer. O.C.G.A. [40-5-64](#).
- (25) Form DPS-665 - An application for limited driving permit. O.C.G.A. [40-5-64](#) and 33-34-12.
- (26) Form DPS-716 - A notice of action taken as the result of a court order that a change be made in the driving record. O.C.G.A. [40-5-4](#).
- (27) Form DPS-734 - An application for habitual violator probationary driver's license. O.C.G.A. [40-5-58](#).

- (28) Form DPS-735 - A letter of approval and further instructions reference application for habitual violator probationary driver's license. O.C.G.A. [40-5-58](#).
- (29) Form DPS-736 - A letter or rejection of application for habitual violator probationary driver's license. O.C.G.A. [40-5-58](#).
- (30) Form PDS-2050 - An official notice of revocation for declared habitual violator. O.C.G.A. [40-5-58](#).
- (31) Form PDS-1230 - An official notice of revocation of habitual violator probationary driver's license. O.C.G.A. [40-5-58](#).
- (32) Form DPS-1020 - A notice sent to licensee after suspension or revocation expires or reinstatement requirements have been met. O.C.G.A. [40-5-4](#).
- (33) Form DPS-1030 - An official notice of revocation. Personal service on habitual violator. O.C.G.A. [40-5-58](#).
- (34) Form PDS-2040 - An official notice of suspension for failure to appear in court and satisfy terms of citations issued. O.C.G.A. [40-5-56](#).
- (35) Form DPS-1052 - A notice for a hearing scheduled in connection with suspension based on failure to appear in court. O.C.G.A. [40-5-56](#).
- (36) Form DPS-1053 - An initial decision of a hearing officer in hearings related to suspensions based on failure to appear in court. O.C.G.A. [40-5-56](#).
- (37) Form DPS-1119 - A letter of reinstatement of driver's license when requirements have been met. O.C.G.A. [40-5-4](#).
- (38) Form PDS-1119A - A letter acknowledging receipt of Driver Improvement Clinic Certificate for completion of the Alcohol Level I Course. O.C.G.A. [40-6-391](#).
- (39) Form PDS-1050 - An official notice of pending suspension upon accepted plea of nolo contendere to the offense of DUI. O.C.G.A. [40-6-391.1](#).
- (40) Form PDS-1060 - An official notice of suspension upon conviction of DUI. O.C.G.A. [40-6-391](#).
- (41) Form PDS-1070 and PDS-1012 - An official notice of suspension for the offense of homicide by vehicle. (a) PDS Form 1070 - 1st degree; (b) PDS-Form 1012 - 2nd Degree. O.C.G.A. [40-5-54](#).
- (42) Form DPS-1128 - An authorization of 30-day extension of 180 day driving permit. O.C.G.A. [40-5-4](#).
- Authority Ga. L. 1969, Act 570 (Ga. Code Ann. Sec. 92A-603). O.C.G.A. Sec. [40-5-4](#). **History.** Original Rule was filed and effective on July 20, 1965. **Amended:** Original Rule entitled "Permanent Revocation on Fourth Revocation for Cause" repealed and a new Rule entitled "Departmental Cancellation for Certain Offenses" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Fee for Status Reports of Accident Cases" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Rule repealed. Filed December 19, 1978; effective January 8, 1979. **Amended:** Rule renumbered from 570-6-.13 and retitled "Suspension, Revocation, and Cancellation Forms Based on Violations." F. Aug. 12, 1993; eff. Sept. 1, 1993.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-6-.06, is repealed in its entirety. The regulation as amended is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-3-3-.05.

The reference to Form DPS-584 is replaced with a reference to Form DS-584, reflecting a change in form numbers by this agency.

570-6-.10 Reinstatement of Habitual Violators at Expiration of Habitual Violator Revocation. Amended.

~~The following rules will govern the reinstatement of habitual violators at the expiration of the five (5) year habitual violator revocation.~~

~~(a) In considering the reinstatement of habitual violators, the following issues will be considered.~~

~~1. Driving Record: After considering the driving record to determine the character and habits of the licensee, the Revocation and Suspension Section may issue a letter at the end of the five year period that would authorize reinstatement based on such driving record. Any pending suspensions or revocations would also need to be cleared prior to reinstatement of the license.~~

~~2. Driving ability: Licensee may be required to take and pass the full driving examination prior to reinstatement.~~

~~3. Cost: A restoration fee of \$210/\$200 shall be paid to the examiner for issuance of the new license (no exceptions to this fee).~~

~~4. Form DPS-1259: Form letter utilized to advise licensee that the period of habitual violator revocation has expired, however, if the records of the Department of Public Safety reflect that other suspension(s) appear on the driver record, they must be cleared prior to the reinstatement of the license.~~

Repealed.

Authority O.C.G.A. Secs. [40-5-4](#), 40-5-63. **History.** Original Rule entitled "Four Convictions of Moving Violations; Suspension; License Re-Examination" was filed and effective on July 20, 1965. **Amended:** Rule repealed and a new Rule entitled "Suspension for Racing" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Limited Driving Permit" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Filed September 15, 1977; effective October 5, 1977. **Amended:** Rule repealed and a new Rule entitled "Acceptance of Driver Improvement Clinic Certificates for Reinstatement" adopted. Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed October 13, 1987; effective November 2, 1987. **Amended:** F. Nov. 6, 1992; eff. Nov. 26, 1992. **Amended:** Rule entitled "Reinstatement of Habitual Violators at Expiration of Habitual Violator Revocation" renumbered from 570-6-.15. F. Aug. 12, 1993; eff. Sept. 1, 1993.

375-3-3-.07 Reinstatement of Habitual Violators at Expiration of Habitual Violator Revocation. Amended.

~~The following rules will govern the reinstatement of habitual violators at the expiration of the five (5) year habitual violator revocation.~~

~~(a) In considering the reinstatement of habitual violators, the following issues will be considered:~~

- ~~1. Driving Record: After considering the driving record to determine the character and habits of the licensee, the Revocation and Suspension Section Unit may issue a letter at the end of the five year period that would authorize reinstatement based on such driving record. Any pending suspensions or revocations would also need to be cleared prior to reinstatement of the license.~~
- ~~2. Driving ability: Licensee may be required to take and pass the full driving examination prior to reinstatement.~~
- ~~3. Cost: A restoration fee of \$210/\$200 shall be paid to the examiner for prior to issuance of the new license (no exceptions to this fee).~~
- ~~4. Form DPS-1259: Form letter utilized to advise licensee that the period of habitual violator revocation has expired, however, if the records of the Department of Public Safety reflect that other suspension(s) appear on the driver record, they must be cleared prior to the reinstatement of the license.~~

Authority O.C.G.A. Secs. [40-5-4](#), 40-5-63. **History.** Original Rule entitled "Four Convictions of Moving Violations; Suspension; License Re-Examination" was filed and effective on July 20, 1965. **Amended:** Rule repealed and a new Rule entitled "Suspension for Racing" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Limited Driving Permit" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Filed September 15, 1977; effective October 5, 1977. **Amended:** Rule repealed and a new Rule entitled "Acceptance of Driver Improvement Clinic Certificates for Reinstatement" adopted. Filed June 7, 1984; effective June 27, 1984. **Amended:** Filed October 13, 1987; effective November 2, 1987. **Amended:** F. Nov. 6, 1992; eff. Nov. 26, 1992. **Amended:** Rule entitled "Reinstatement of Habitual Violators at Expiration of Habitual Violator Revocation" renumbered from 570-6-.15. F. Aug. 12, 1993; eff. Sept. 1, 1993.

[40-5-4](#).

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-6-.10, is repealed in its entirety. The regulation as amended is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-3-3-.07.

The reference to Form DPS-1259 is replaced with a reference to Form DS-1259, reflecting a change in form numbers by this agency.

The first sentence is deleted as superfluous.

In paragraph (3), the word “for” is replaced with “prior to” for clarity.

570-6-.11 Voluntary Cancellation. Amended.

~~(1) The holder of any valid Georgia driver's license may have that license voluntarily canceled provided that:~~

~~(a) The license is currently valid, and has not been revoked, suspended, or otherwise incumbered; and~~

~~(b) No charges are currently pending against the holder for violating any of the laws of the State of Georgia dealing with traffic violations, motor vehicles, or illegal drugs, which could result in or contribute to the revocation, suspension or otherwise incumbrance of the driver's license.~~

~~(2) The voluntary cancellation shall be made only upon receipt of a written request from the license holder that his driver's license be canceled or voluntarily surrendered. The driver's license itself should accompany the written request, and if it did not, the license must be surrendered to the Department within two weeks after the holder has received his notification that his license has been voluntarily canceled.~~

~~(3) Any person whose license has been voluntarily canceled, may, at any time, reapply for a new license, provided that the applicant:~~

~~(a) Meets all of the requirements for a new license (including taking and passing all exams); and~~

~~(b) Meeting all of the requirements for the license, including not being subject to any sanctions for having violated any law dealing with motor vehicles, traffic, illegal drugs, or otherwise.~~

Repealed.

Authority O.C.G.A. Secs. [40-5-50](#), 40-9-38. **History.** Original Rule entitled "Proof of Financial Responsibility for Future" was filed and effective on July 20, 1965. **Amended:** Rule repealed and a new Rule entitled "Suspension for Driving on Revoked License" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Time for Suspension or Revocation" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Rule repealed. Filed June 7, 1984; effective June 27, 1984. **Amended:** New Rule entitled "Voluntary Cancellation" adopted. F. Jan. 7, 1994; eff. Jan. 27, 1994.

375-3-3-.08 Voluntary Cancellation.

(1) The holder of any valid Georgia driver's license may have that license voluntarily canceled provided that:

(a) The license is currently valid, and has not been revoked, suspended, or otherwise ~~incumbered~~; and

(b) No charges are currently pending against the holder for violating any of the laws of the State of Georgia dealing with traffic violations, motor vehicles, or illegal drugs, which could result in or contribute to the revocation, suspension or would otherwise ~~incumbrance~~ of the driver's license.

(2) The voluntary cancellation shall be made only upon receipt of a written request from the license holder that his driver's license be canceled or voluntarily surrendered. The driver's license itself should accompany the written request, and if it did not, the license must be surrendered to the Department within two weeks after the holder has received his notification that his license has been voluntarily canceled.

(3) Any person whose license has been voluntarily canceled, may, at any time, reapply for a new license, provided that the applicant:

(a) Meets all of the requirements for a new license (including taking and passing all exams); and

(b) Meeting all of the requirements for the license, including not being subject to any sanctions for having violated any law dealing with motor vehicles, traffic, illegal drugs, or otherwise.

Authority O.C.G.A. Secs. [40-5-50](#), 40-9-38. **History.** Original Rule entitled "Proof of Financial Responsibility for Future" was filed and effective on July 20, 1965. **Amended:** Rule repealed and a new Rule entitled "Suspension for Driving on Revoked License" adopted. Filed September 30, 1969; effective October 19, 1969. **Amended:** Rule repealed and a new Rule entitled "Time for Suspension or Revocation" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** Rule repealed. Filed June 7, 1984; effective June 27, 1984. **Amended:** New Rule entitled "Voluntary Cancellation" adopted. F. Jan. 7, 1994; eff. Jan. 27, 1994.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to transfer an existing regulation to reflect the transfer of this activity from the Department of Public Safety to the Department of Motor Vehicle Safety. No substantive change is intended.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Public Safety at Ga. Admin. Comp. Ch. 570-6-.11, is repealed in its entirety. The regulation as amended is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-3-3-.08.

375-1-1-.03 General Definitions.

The following definitions shall apply generally to all rules and regulations of the Department of Motor Vehicle Safety:

(a) "Board" shall mean the Board of Motor Vehicle Safety of the State of Georgia.

(b) "Commissioner" shall mean the Commissioner of Motor Vehicle Safety of the State of Georgia.

(c) "Department" shall mean the Department of Motor Vehicle Safety of the State of Georgia.

(d) "Hearing" shall mean a right of the Department and of parties affected by any action of the Department to present, either formally or informally, relevant information, testimony, documents, evidence and arguments as to why such action should or should not be taken.

(e) "Hearing Examiner" or "Hearing Officer" or "Reviewing Officer" shall mean an officer or employee of the Department or other person so designated by the Commissioner or the Board who shall be employed or appointed by the Department for purpose as needed and shall be authorized to exercise such powers as are given such persons by statute or rule.

(f) "Administrative Law Judge" or "ALJ" shall mean an employee of the Office of State Administrative Hearings so designated by the Chief State Administrative Law Judge to conduct a hearing and shall be authorized to exercise such powers as are given such persons by statute or rule.

Authority O.C.G.A. §§ 40-16-1 *et seq.*

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to provide for definitions of terms utilized throughout the Department's regulations.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.